IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.709 OF 2006

Mrs Yeshoda S.Hariadkar, .. Petitioner.
Vs
State of Maharashtra & Anr. .. Respondents.

Mr Shyamkumar V Marwadi, for the petitioner.
Mr G.P.Mulekar, for the respondent no.2.
Mr S.V.More, APP for the respondent-State.

CORAM : D.B.BHOSALE, J.

DATED : 18th July, 2006

P.C.:

1. Heard the learned counsel for the parties.

2. Mr Marwadi, learned counsel for the petitioner, states that he is not pressing the prayers (a) and (b) in the petition and submits that the petitioner will be satisfied if she is exempted from appearance in the trial Court. The petitioner is an old lady of 77 years and is presently staying at Bangalore. Keeping her age in view and considering the judgment of this Court in Bhaskar Sen Vs. State of Maharashtra , 2004 (4) Mh.L.J.1115, it is open for the petitioner to file an application seeking exemption through her advocate along with her own affidavit stating that she would not dispute her identity and also an undertaking of her advocate that

he would attend the case on every date/s of hearing before the learned Magistrate. If such an application is filed and necessary undertaking and the affidavit in terms of the aforesaid judgment of this Court, the learned Magistrate shall pass appropriate orders granting exemption to the petitioner within two weeks from the date of filing of such application. With these directions, this petition is disposed of.

(D.B.BHOSALE,J.)